

## **Remarks**

This Response is submitted in response to and is believed to be fully responsive to the Office action dated January 14, 2008, wherein restriction of the claims under 35 U.S.C. § 121 is required. Reconsideration and reexamination is respectfully requested.

## **Election/Restriction Requirement**

Claims 1-52 are pending in the application. The Office contends the claims presently under consideration in the application are independent or distinct because there is more than one species in the present application. Specifically, the Office has identified Embodiment I, including claims 1-21; Embodiment II, including claims 22-32; Embodiment III, including claims 33-42; Embodiment IV, including claims 43-49; Embodiment V, including claim 50; and Embodiment VI, including claims 51-52.

Applicant elects prosecution of Embodiment I, including claims 1-21, with traverse.

At page 2 of the Restriction Requirement, the Office asserts that “The species are independent or distinct because there is more than one species in the present application.” Applicant respectfully submits that the assertion that there is more than one species in the present application is insufficient to support an Election/Restriction requirement. The guidelines set forth in MPEP §803 explicitly state that “Examiners must provide reasons and/or examples to support conclusions....” Further, MPEP §809.02(a) states that, where restriction between species is appropriate, the Examiner should “[p]rovide reasons why the species are independent or distinct.” The Office has presented no such reasons in this case. Instead, the Office has merely provided a conclusion without any supporting rationale. As a result, the Office has not established that independent or distinct inventions exist in this application. Accordingly, Applicants request reconsideration and withdrawal of this Election/Restriction requirement.

Applicant believes that this Response is fully responsive to the Restriction Requirement dated January 14, 2008. Applicant believes that no fees are due with this Response. Should any additional fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

**Conclusion**

If the Examiner should require any additional information or believes that prosecution of the application may be expedited via a telephone conference, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

January 31, 2008

Date

/Thomas J. Osborne, Jr./

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